



AUSA

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF CALIFORNIA

UNITED STATES OF AMERICA,

Plaintiff,

v.

Armando RAMIREZ-Alvarez

Defendants.

Mag. Case No. **08MJ8490**

COMPLAINT FOR VIOLATION OF

Title 8, U.S.C., Section 1324(a)(2)(B)(iii)
Bringing in Illegal Aliens Without
Presentation

"AMENDED"

The undersigned complainant being duly sworn states:

On or about May 30, 2008, within the Southern District of California, defendant Armando RAMIREZ-Alvarez, with the intent to violate the immigration laws of the United States, knowing and in reckless disregard of the fact that aliens, namely, Arturo ALCANTAR-Duarte and Aron PALACIOS-Castillos, had not received prior official authorization to come to, enter and reside in the United States, did bring to and attempt to bring to the United States said aliens and upon arrival did not bring and present said aliens immediately to an appropriate immigration officer at a designated port of entry; in violation of Title 8, United States Code, Section 1324(a)(2)(B)(iii).

And the complainant states that this complaint is based on the attached statement of facts, which is incorporated herein by reference.


MARCO A. MIRANDA
Senior Border Patrol Agent

SWORN TO BEFORE ME AND SUBSCRIBED IN MY PRESENCE, THIS DAY OF
3RD DAY OF MAY 2008.


PETER C. LEWIS
UNITED STATES MAGISTRATE JUDGE

1 UNITED STATES OF AMERICA

2 v.
Armando RAMIREZ-Alvarez

3 STATEMENT OF FACTS

4 The Complaint is being amended to reflect the correct language of Title 8, United States
5 Code, Section 1324(a)(2)(B)(iii).

6 The complaint states that this complaint is based upon statements in the investigative
7 reports by the apprehending agents, S. Templin and J. McGilvray that on May 30, 2008, the
8 defendant, Armando RAMIREZ-Alvarez, a citizen of Mexico was apprehended south of Anza
9 Road near the New River approximately half miles west of Calexico, California, as he
10 attempted to smuggle two illegal aliens.

11 At approximately 12:50 P.M., Agent Templin observed three subjects illegally enter the
12 United States by wading north in the New River. Agents Templin and McGilvray approached
13 the east bank of the New River, identified themselves as United States Border Patrol Agent
14 and verbally instructed the group to exit the water.

15 Agent Templin recognized one of the subjects as Armando RAMIREZ-Alvarez, a
16 smuggler who frequently guides illegal aliens north in the New River. Agent Templin also
17 observed as the other two subjects later identified as Arturo ALCANTAR-Duarte and Aron
18 PALACIOS-Castillo were following immediately behind RAMIREZ. Agents Templin and
19 McGilvray heard as RAMIREZ was verbally instructing ALCANTAR and PALACIOS to ignore
20 the Border Patrol and to continue following him. RAMIREZ also told ALCANTAR and
21 PALACIOS that if they stay in the water Border Patrol would not apprehend them.

22 The group continued north in the New River for approximately half a mile until arriving
23 to the New River Gate. Agents V. Huerta and R. Roberts were positioned by the New River
24 Gate. At the gate, RAMIREZ was instructing ALCANTAR and PALACIOS on how to
25 circumvent the gate. After RAMIREZ was unable to persuade ALCANTAR and PALACIOS,
26 RAMIREZ became frustrated and assaultive toward the agents. RAMIREZ began splashing
27 contaminated water and mud at the agents forcing agents to deploy non lethal projectiles.
28 Agent Templin ordered ALCANTAR and PALACIOS to turn back and all three began wading
south in the New River. As the group was wading back south, agents again attempted to

1 persuade the group to exit the river. Agents also informed RAMIREZ that they were not going
2 to allow him to continue to Mexico. RAMIREZ again became frustrated and aggressive and
3 picked up a foreign object with his hand. Agents instructed RAMIREZ to drop the object, but
4 refused to comply and again agents were forced to use non lethal projectiles. Agents
5 instructed RAMIREZ to exit the river to which, he complied. As RAMIREZ was exiting the river,
6 he instructed ALCANTAR and PALACIOS to exit the river and they also complied.

7 Agent McCalister conducted an immigration interview and determined that RAMIREZ
8 was a citizen and national of Mexico and placed him under arrest. Agent McGilvray conducted
9 an immigration interview on the two other subjects and determined that they were citizens and
10 nationals of Mexico illegally present in the United States. All three subjects were transported
11 to the Calexico Border Patrol Station.

12 At approximately 7:15 P.M. hours, RAMIREZ was advised of his Miranda Rights.
13 RAMIREZ stated that he understood his rights and was willing to answer questions without an
14 attorney present.

15 RAMIREZ stated that his true and correct name is Armando RAMIREZ-Alvarez born
16 on December 4, 1984. RAMIREZ stated that he was born in Huetamo, Michoacan, Mexico
17 and lives there as well. RAMIREZ also stated that he is a citizen of Mexico without any
18 immigration documents to be in the United States legally. RAMIREZ stated that he was hoping
19 to go to Los Angeles, California and also said that he has been apprehended on one occasion
20 for attempting to enter into the United States illegally.

21 Material Witnesses Arturo ALCANTAR-Duarte and Aron PALACIOS-Castillos stated
22 that they crossed into the United States through the New River. The guide gave them
23 instructions to stay in the water and someone would pick them up. Arturo ALCANTAR-Duarte
24 made arrangements with an unknown individual to be smuggled into the United States for a
25 fee of \$1,800.00. Aron PALACIOS-Castillos made arrangements with an unknown individual
26 to be smuggled into the United States for a fee of \$1,500.00.

1 Arturo ALCANTAR-Duarte and Aron PALACIOS-Castillos were shown a six-pack photo
2 line up; they both positively identified Armando RAMIREZ-Alvarez as the smuggler who guided
3 them in the river.

4 The complaint state that the names of the Material Witnesses are as follows:

5 NAME	PLACE OF BIRTH
6 Arturo ALCANTAR-Duarte	Mexico
7 Aron PALACIOS-Castillos	Mexico

8 Further, complaint states that, Arturo ALCANTAR-Duarte and Aron PALACIOS-
9 Castillo, are citizens of a country other than the United States; that said aliens have admitted
10 that they are deportable; that their testimony is material, that is impracticable to secure their
11 attendance at the trial by subpoena; and they are material witnesses in relation to their
12 criminal charge and should be held or admitted to bail pursuant to Title 18, United States
13 Code, Section 3144.